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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/558,214 04/26/2000 Shuji Kuhara 049390-5003 9813

9629 7590 02/04/2003

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EXAMINER

MATHEWS, ALAN A

ART UNIT PAPER NUMBER

2851

DATE MAILED: 02/04/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/558,214

Applicant(s)

KUHARA, SHUJI

Examiner

Alan A. Mathews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-18-2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by the Published European Patent Application EP 0 856 972 A (cited in the previous office action). The Published European Patent Application EP 0 856 972 A discloses in figure 1 a plurality of photographic processing sites (units) 3. A center 2 has a central server 12 which has a database. Column 3, lines 7-15, disclose transferring digital image data from the laboratory to the center server. Column 5, lines 43-53, discloses storing a template on the central server. This template includes photographic printing conditions. Column 6, lines 11-23 specifically state that the template could include procedures such as “to rotate the specified picture by 90°” or “lower the saturation of the specified picture”. These are printing conditions. Column 10, lines 16-22, further discusses the template. Column 12, lines 2-4 states that whenever a new template is generated in the laboratory, a low resolution template corresponding to the new template is also

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registered in the center server. Column 3, lines 30 and 52, column 4, line 6 and line 25, and column 14, lines 14-27, disclose ordering **extra prints** after **first prints** are received. It is noted that the U S equivalent to the Published European Patent Application EP 0 856 972 A is U. S. Patent No. 6,324,521. The Published European Patent Application EP 0 856 972 A qualifies as prior art under 35 USC 102(a), while U. S. Patent No. 6,324,521 qualifies as prior art under 35 USC 102(e),

3. Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by the Published European Patent Application EP 0 878 956 A1 (cited in the previous office action). Figure 1 discloses a plurality of different processing sites 1 and 2 (Dealer Branch Shop or Dealer Retail Shop). The Dealer Head Shop 5 is the center having a database. Page 3, lines 53-56 disclose editorial functions including, for example, changing into a photograph of a tone like an oil paint or watercolor picture. Other kinds of processing are available, such as sharpening of a defocus photographic picture, red-eye processing, and so forth. Any and all types of editorial functions can be implemented in this embodiment. These editorial functions are "printing conditions". Page 5, lines 12-14, disclose that the user sends the editorial information to the web server 9 through the network. The head shop 5 then sends the editorial information to the branch shop 1 through the network. Page 8, lines 12-17, disclose that almost all the editorial functions, which can be dealt with by the franchisee of this system, are available for the editorial work from the user's computer. This includes red-eye processing and oil-paint processing and sepia processing, and so forth. Page 12, lines 53-55, disclose an order for printing being given from the client, the server transfers the editorial information to the dealer's machine which in turn automatically

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performs the editorial work on the high-resolution images stored therein, and prints the edited high resolution images. In addition, page 12, lines 56-58, and page 13, lines 1 and 2, disclose that the server's end has a server function for transferring the images to the client **and a function for storing the "editorial information" which indicates the types and contents of the edition made by the client.** Thus, server 9 stores editorial information (which is the same as Applicant's "printing conditions"). It is noted that the U S equivalent to the Published European Patent Application EP 0 878 956 A1 is U. S. Patent Application Publication US 2002/0067500 A1. The Published European Patent Application EP 0 878 956 A1 qualifies as prior art under 35 USC 102(a), while U. S. Patent Application Publication US 2002/0067500 A1 qualifies as prior art under 35 USC 102(e).

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohtsuka (U. S. Patent No. 6,327,049). Ohtsuka discloses in figures 1 and 3 a laboratory system 2 (2a, 2b, and 2c) which comprise a plurality of different photographic processing sites. Element 7 is the center having a database which stores printing conditions. Column 10, lines 42-59, column 11, table 3, and figure 4 disclose some of the printing conditions.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The British Patent GB 2 286 944 is cited to show storing printing conditions for printing or reprinting. The Patent to Shiota et al. (U. S. Patent No. 6,324,521) is cited to show the U. S. equivalent to the Published European Patent Application EP 0 856 972 A. The U. S. Patent Application Publication US 2002/0067500 A1 is cited to show the U. S. equivalent to the Published European Patent Application EP 0 878 956 A1.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

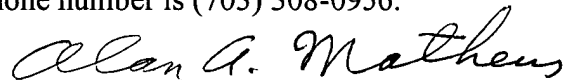
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (703) 308-1706.

The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Alan A. Mathews
Primary Examiner
Art Unit 2851

AAM
January 30, 2003